

CLOSED, TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:09-cv-02026-JEB**

BENAVIDES v. FEDERAL BUREAU OF PRISONS
Assigned to: Judge James E. Boasberg
Cause: 05:552 Freedom of Information Act

Date Filed: 10/28/2009
Date Terminated: 05/11/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

EDUARDO M. BENAVIDES

represented by **Brian Wolfman**
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V.

Defendant

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Date Filed	#	Docket Text
10/28/2009	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF PRISONS (Filing fee \$ 0.00) filed by EDUARDO M. BENAVIDES. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(rdj) (Entered: 10/29/2009)
10/28/2009	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by EDUARDO M. BENAVIDES (rdj) (Entered: 10/29/2009)
10/28/2009	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by EDUARDO M. BENAVIDES (rdj) (Entered: 10/29/2009)
10/28/2009	<u>4</u>	ORDER Directing initial partial filing fee in the amount of \$13.63 be made from Prison Account of EDUARDO M. BENAVIDES ; further ordered, granting <u>2</u> MOTION for Leave to Proceed in forma pauperis (See Order for full details). Signed by Judge Paul L. Friedman on 10/26/09. (rdj) (Entered: 10/29/2009)
10/28/2009		SUMMONS (3) Issued as to FEDERAL BUREAU OF PRISONS, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 10/29/2009)
11/10/2009	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 10/30/2009., SUMMONS Returned Executed by EDUARDO M. BENAVIDES. FEDERAL BUREAU OF PRISONS served on 10/30/2009, answer due 11/30/2009, SUMMONS Returned Executed by EDUARDO M. BENAVIDES. US Attorney served on 10/30/2009, answer due 11/30/2009. (tr) (Entered: 11/17/2009)
11/12/2009	<u>5</u>	NOTICE of Appearance by Jennifer M. Olkiewicz on behalf of FEDERAL BUREAU OF PRISONS (Olkiewicz, Jennifer) (Entered: 11/12/2009)
11/25/2009	<u>7</u>	First MOTION for Extension of Time to File Answer , <i>Move, or Otherwise Respond</i> by FEDERAL BUREAU OF PRISONS (Olkiewicz, Jennifer) (Entered: 11/25/2009)
12/30/2009	<u>8</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF PRISONS (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Statement of Facts, # <u>3</u> Memorandum of Points and Authorities, # <u>4</u> Declaration of Larry Collins with Exhibits)(Olkiewicz, Jennifer) (Entered: 12/30/2009)
12/30/2009		MINUTE ORDER: Defendant's <u>7</u> Motion for Extension of Time to file an Answer or other response to the complaint is granted. Signed by Judge Richard W. Roberts on 12/30/09. (ms,) (Entered: 12/30/2009)

12/30/2009	<u>2</u>	Order advising plaintiff to respond by 2/5/2010 to defendant's motion for summary judgment, or the Court may deem the motion conceded. Signed by Judge Richard W. Roberts on 12/30/09. (ms,) (Entered: 12/30/2009)
01/04/2010		Set/Reset Deadlines: Plaintiff's Responses due by 2/5/2010. (hs) (Entered: 01/04/2010)
01/15/2010	<u>10</u>	Mail Returned as undeliverable; sent to Eduardo Benavides; Type of Document Returned: Order; Resent at new address: Edgefield, FCI, P.O. Box 725, Edgefield, S.C. 29824. (hs) (Entered: 01/15/2010)
02/01/2010	<u>11</u>	MOTION for Extension of Time to respond to defendant's motion for summary judgment by EDUARDO M. BENAVIDES. (jf,) (Entered: 02/02/2010)
03/02/2010		MINUTE ORDER: Plaintiff's unopposed <u>11</u> Motion for Extension of Time is granted. Plaintiff shall file his opposition or other response to defendant's motion for summary judgment by May 6, 2010. Plaintiff's motion for the issuance of subpoenas is denied without prejudice. Under Fed. R. Civ. P. 45(a)(3), [t]he clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. Id. Plaintiff has made no showing that he has requested subpoenas from the clerk but was denied them, or that an order directing that subpoenas issue is otherwise necessary. See Gardias v. San Jose State Univ., Nos. C04-04086 HRL, C04-04768 HRL, C05-01242 HRL, C05-01833 HRL, C06-04695 HRL, 2007 WL 1655586, at *1 (N.D. Cal. June 7, 2007) (denying pro se plaintiffs request that the court issue subpoenas for seven witnesses, noting that, [i]f plaintiff wishes to obtain documents or testimony from these individuals, he may obtain subpoena forms from the Clerk of the Court). Signed by Judge Richard W. Roberts on 3/1/10. (ms,) (Entered: 03/02/2010)
03/25/2010	<u>12</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Lauren Joy Karam on behalf of FEDERAL BUREAU OF PRISONS Substituting for attorney Jennifer M. Olkiewicz (Karam, Lauren) (Entered: 03/25/2010)
05/03/2010	<u>13</u>	NOTICE of Appearance by Brian Wolfman on behalf of EDUARDO M. BENAVIDES (Wolfman, Brian) (Entered: 05/03/2010)
05/04/2010	<u>14</u>	Consent MOTION for Extension of Time to <i>Submit Opposition to Motion for Summary Judgment</i> by EDUARDO M. BENAVIDES (Attachments: # <u>1</u> Text of Proposed Order)(Wolfman, Brian) (Entered: 05/04/2010)
05/20/2010	<u>15</u>	MOTION for Summary Judgment by EDUARDO M. BENAVIDES (Attachments: # <u>1</u> Memorandum in Support (Mem. in Support of Pl's Mot. for Summ. J. and in Opp. to Def. Mot. for Summ. J.), # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Declaration, # <u>5</u> Text of Proposed Order)(Wolfman, Brian) Modified on 5/21/2010 (jf,). (Entered: 05/20/2010)
05/21/2010	<u>16</u>	Memorandum in opposition to re <u>8</u> MOTION for Summary Judgment filed by EDUARDO M. BENAVIDES. (Wolfman, Brian) (Entered: 05/21/2010)
06/03/2010	<u>17</u>	REPLY to opposition to motion re <u>8</u> MOTION for Summary Judgment, <u>15</u> MOTION for Summary Judgment <i>and in Opp. to Defendant's Motion for Summary Judgment</i> filed by FEDERAL BUREAU OF PRISONS. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit)(Karam, Lauren) (Entered: 06/03/2010)
06/03/2010	18	Memorandum in opposition to re <u>15</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF PRISONS. (See Docket Entry <u>17</u> to view document) (jf,) (Entered: 06/04/2010)
06/11/2010	<u>19</u>	REPLY to opposition to motion re <u>15</u> MOTION for Summary Judgment filed by EDUARDO M. BENAVIDES. (Wolfman, Brian) (Entered: 06/11/2010)
06/22/2010	<u>20</u>	NOTICE of Filing of Plaintiff's Summary Judgment Declaration by EDUARDO M. BENAVIDES re <u>15</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Declaration in support of Plaintiff's motion for summary judgment)(Wolfman, Brian) (Entered: 06/22/2010)
07/07/2010		MINUTE ORDER: Plaintiff's consent <u>14</u> Motion for Extension of Time is granted nunc pro tunc. Signed by Judge Richard W. Roberts on 7/7/10. (ms,) (Entered: 07/07/2010)

08/09/2010	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Robert D. Trunkey on behalf of FEDERAL BUREAU OF PRISONS Substituting for attorney Lauren Joy Karam (Trunkey, Robert) (Entered: 08/09/2010)
01/10/2011	<u>22</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Tyler James Wood on behalf of FEDERAL BUREAU OF PRISONS Substituting for attorney Robert D. Trunkey (Wood, Tyler) (Entered: 01/10/2011)
03/04/2011	<u>23</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by EDUARDO M. BENAVIDES (Wolfman, Brian) (Entered: 03/04/2011)
03/29/2011		Case randomly reassigned to U.S. District Judge James E. Boasberg. Judge Richard W. Roberts no longer assigned to the case. (gt,) (Entered: 03/29/2011)
03/30/2011	<u>24</u>	MEMORANDUM AND OPINION. Signed by Judge Richard W. Roberts on 3/30/11. (ms,) (Entered: 03/30/2011)
03/30/2011	<u>25</u>	ORDER granting in part and denying in part <u>8</u> defendant's Motion for Summary Judgment and denying <u>15</u> plaintiff's Motion for Summary Judgment. Signed by Judge Richard W. Roberts on 3/30/11. (ms,) (Entered: 03/30/2011)
03/31/2011		Set/Reset Deadlines: The defendant shall file either a renewed motion for Summary Judgment, or the parties jointly shall file a proposed scheduled for further proceedings in this action by 4/29/2011. (ad) (Entered: 03/31/2011)
04/19/2011	<u>26</u>	NOTICE of Proposed Order (<i>Joint</i>) <i>Establishing Briefing Schedule</i> by FEDERAL BUREAU OF PRISONS re Set/Reset Deadlines (Wood, Tyler) (Entered: 04/19/2011)
04/20/2011		MINUTE ORDER: On consideration of the parties' Joint Proposed Briefing Schedule, it is hereby ORDERED that defendant shall file its Supplemental Motion for Summary Judgment by May 13, 2011; plaintiff shall file his opposition and supplemental cross-motion by May 27, 2011; defendant shall file its reply and opposition to plaintiff's supplemental cross-motion by June 3, 2011; plaintiff shall file his Reply by June 10, 2011. Signed by Judge James E. Boasberg on 4/20/11. (ms,) (Entered: 04/20/2011)
04/20/2011		Set/Reset Deadlines: Defendant shall file its Supplemental Motion for Summary Judgment by 5/13/11; Plaintiff shall file his opposition and supplemental cross-motion by 5/27/11; Defendant shall file its reply and opposition to plaintiff's supplemental cross-motion by 6/03/11; Plaintiff shall file his Reply by 6/10/11. (ad) (Entered: 04/20/2011)
05/13/2011	<u>27</u>	Supplemental MOTION for Summary Judgment by FEDERAL BUREAU OF PRISONS (Attachments: # <u>1</u> Declaration (L. Collins Supp. Decl. with Exhibits), # <u>2</u> Text of Proposed Order)(Wood, Tyler) (Entered: 05/13/2011)
05/27/2011	<u>28</u>	Cross MOTION for Summary Judgment (<i>Renewed Motion</i>) by EDUARDO M. BENAVIDES (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of David J. Mallen, # <u>4</u> Text of Proposed Order)(Wolfman, Brian) (Entered: 05/27/2011)
05/27/2011	<u>29</u>	Memorandum in opposition to re <u>27</u> Supplemental MOTION for Summary Judgment filed by EDUARDO M. BENAVIDES. (Wolfman, Brian) (Entered: 05/27/2011)
06/03/2011	<u>30</u>	ERRATA by EDUARDO M. BENAVIDES <u>28</u> Cross MOTION for Summary Judgment (<i>Renewed Motion</i>) filed by EDUARDO M. BENAVIDES. (Attachments: # <u>1</u> Statement of Facts (Corrected Version))(Wolfman, Brian) (Entered: 06/03/2011)
06/03/2011	<u>31</u>	REPLY to opposition to motion re <u>27</u> Supplemental MOTION for Summary Judgment filed by FEDERAL BUREAU OF PRISONS. (Wood, Tyler) (Entered: 06/03/2011)
06/03/2011	<u>32</u>	Memorandum in opposition to re <u>28</u> Cross MOTION for Summary Judgment (<i>Renewed Motion</i>) filed by FEDERAL BUREAU OF PRISONS. (Wood, Tyler) (Entered: 06/03/2011)

06/09/2011	<u>33</u>	ERRATA by FEDERAL BUREAU OF PRISONS <u>31</u> Reply to opposition to Motion filed by FEDERAL BUREAU OF PRISONS, <u>32</u> Memorandum in Opposition filed by FEDERAL BUREAU OF PRISONS. (Wood, Tyler) (Entered: 06/09/2011)
06/10/2011	<u>34</u>	REPLY to opposition to motion re <u>28</u> Cross MOTION for Summary Judgment (<i>Renewed Motion</i>) filed by EDUARDO M. BENAVIDES. (Wolfman, Brian) (Entered: 06/10/2011)
07/08/2011	<u>35</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Alesia N. Black on behalf of FEDERAL BUREAU OF PRISONS Substituting for attorney Tyler J. Wood (Black, Alesia) (Entered: 07/08/2011)
01/10/2012	<u>36</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Gregory Lennon on behalf of FEDERAL BUREAU OF PRISONS Substituting for attorney Alesia N. Black (Lennon, John) (Entered: 01/10/2012)
01/27/2012		MINUTE ORDER: As agreed by the parties during today's telephone conference, the Court ORDERS that on or before February 6, 2012, 1) Defendant shall provide to the Court for <i>in camera</i> review copies of the two phone calls at issue; and 2) Plaintiff will inform the Court whether a transcript of the calls is sufficient and may inform the Court the purpose for which he seeks the tapes. Signed by Judge James E. Boasberg on 1/27/2012. (lcjeb1) (Entered: 01/27/2012)
01/27/2012		Set/Reset Deadlines: 1) Defendant shall provide to the Court for in camera review copies of the two phone calls at issue; and 2) Plaintiff will inform the Court whether a transcript of the calls is sufficient and may inform the Court the purpose for which he seeks the tapes on or before 2/06/2012. (ad) (Entered: 01/27/2012)
02/06/2012	<u>37</u>	NOTICE <i>Response to Court's Order of January 27, 2012</i> by EDUARDO M. BENAVIDES re Order, (Wolfman, Brian) (Entered: 02/06/2012)
02/09/2012	<u>38</u>	ORDER denying <u>27</u> Defendant's Motion for Summary Judgment and granting in part <u>28</u> Plaintiff's Motion for Summary Judgment. Signed by Judge James E. Boasberg on 2/9/2012. (lcjeb1) (Entered: 02/09/2012)
03/27/2012		MINUTE ORDER: The Court ORDERS that the parties file a Joint Status Report with a case update on or before April 12, 2012. Signed by Judge James E. Boasberg on 3/27/2012. (lcjeb1) (Entered: 03/27/2012)
03/27/2012		Set/Reset Deadline: Parties shall file a Joint Status Report with a case update on or before 4/12/2012. (ad) (Entered: 03/27/2012)
04/12/2012	<u>39</u>	STATUS REPORT <i>Joint Status Report</i> by FEDERAL BUREAU OF PRISONS. (Lennon, John) (Entered: 04/12/2012)
04/12/2012		MINUTE ORDER: The Court has received the parties' Joint Status Report. As Defendant has now produced the audio recordings at issue, it appears that it has satisfied its obligation and there is no further dispute. The Court, accordingly, ORDERS Plaintiff to show cause on or before Apr. 26, 2012, why the case should not be dismissed. Signed by Judge James E. Boasberg on 4/12/2012. (lcjeb1) (Entered: 04/12/2012)
04/13/2012		Set/Reset Deadline: The Plaintiff shall show cause on or before 4/26/2012, why the case should not be dismissed. (ad) (Entered: 04/13/2012)
04/25/2012	<u>40</u>	Unopposed MOTION for Extension of Time to <i>Submit Response to Order to Show Cause</i> by EDUARDO M. BENAVIDES (Attachments: # <u>1</u> Text of Proposed Order)(Wolfman, Brian) (Entered: 04/25/2012)
04/26/2012		MINUTE ORDER: Plaintiff's <u>40</u> Unopposed Motion for Extension of Time to Submit Response to Order to Show Cause is GRANTED. Plaintiff shall file his Response on or before May 10, 2012. Signed by Judge James E. Boasberg on 4/26/12. (lcjeb4) (Entered: 04/26/2012)
04/26/2012		Set/Reset Deadline: Plaintiff shall file his Response on or before 5/10/2012. (ad) (Entered: 04/26/2012)

04/26/2012	<u>41</u>	MOTION for Attorney Fees by EDUARDO M. BENAVIDES (Attachments: # <u>1</u> Text of Proposed Order)(Wolfman, Brian) (Entered: 04/26/2012)
04/27/2012	<u>42</u>	NOTICE by EDUARDO M. BENAVIDES re <u>41</u> MOTION for Attorney Fees (Wolfman, Brian) (Entered: 04/27/2012)
05/10/2012	<u>43</u>	RESPONSE TO ORDER TO SHOW CAUSE by EDUARDO M. BENAVIDES re Order,. (Wolfman, Brian) (Entered: 05/10/2012)
05/11/2012		MINUTE ORDER: As Plaintiff has obtained the relief sought in the case, the Court ORDERS that the case is DISMISSED WITH PREJUDICE, provided that the issue of attorney fees remains outstanding. Signed by Judge James E. Boasberg on 5/11/12. (lcjeb4) (Entered: 05/11/2012)